

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15350 of 2004

Between:

Y.M. Johnson S/o.Y.M. M.Samuel
D.No.3-729/1 5th Road, Krishnapuram
Tadpatri, Anantapur District.

..... PETITIONER

AND

- 1 The Andhra Pradesh State Civil Supplies Corporation Limited, Hyderabad rep. by its Vice Chairman and Managing Director.
- 2 The District Manager A.P. State Civil Supplies Corporation Limited, Anantapur.
- 3 The Joint Collector Anantapur.

4 C. Dwarakanath Reddy, S/o. Ramakrishna Reddy.

(R-4 is impleaded as per Court order dt.1-9-2004 in W.P.M.P.No.20167 of 2004)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings of the 3rd respondent passed in Lr.No.MOVP 5 (1)/2004-05 (Stage-II) dated 18.8.2004 as illegal arbitrary and consequently direct the respondent to permit the petitioner to execute the contract as per the appointment order dt.14.4.2004.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondent No.1 & 2: MR.M.B.THIMMA REDDY

Counsel for the Respondent No.3: G.P. FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

The petitioner approached this Court through this writ petition seeking a declaration that the termination order of the agreement dated 18-08-2004, passed by the third respondent as illegal and arbitrary.

The case of the petitioner is that he entered into a contract with the first respondent-Corporation for transport of certain commodities to the fair price shops. The contract came into force with effect from 1-5-2004. Subsequently, the officials of the first respondent came to know that the petitioner was involved in two crimes registered on 7-4-2004, and accordingly a show-cause notice was issued on 30-7-2004. Subsequently, the petitioner submitted a reply, and after considering the reply, the third respondent passed an order dated 18-08-2004 terminating the contract on the ground that it is not desirable to continue the petitioner as a contractor due to his involvement in the crimes. The petitioner being aggrieved by the order of the third respondent approached this Court seeking the remedy mentioned above.

The petitioner contends that he submitted an affidavit as required by the first respondent in March 2004, mentioning that he has no past or present criminal record. Subsequently, on 7-4-2004 the crimes were registered against him. The contention of the petitioner is that a show-cause notice was issued to him by mentioning that he was involved in two crimes and why the contract should not be cancelled for violation of the conditions of the tender. As per condition No.3(b) of the agreement dated 29-4-2004, the respondent is unilaterally at liberty to reject the contract. Condition 3(b) reads as follows:

“The Corporation shall have absolute right to terminate the agreement at any time during its currency after giving 10 days notice to the contractor without assigning any reasons whatsoever and the contractor is not entitled to question the termination on any ground whatsoever.”

Though the petitioner is contending that he was not involved in any crime as on the date of filing of the affidavit, it is an undisputed fact that he was involved in two crimes registered on 7-4-2004. But in view of the condition No.3(b) of the agreement, it cannot be said that the respondent has no power to terminate the agreement at any time during its currency after giving a show-cause notice. The petitioner did not question the validity of this condition in view of the power vested with the first respondent, who passed the impugned order. Therefore, the order cannot be said to

be illegal. If the petitioner has any grievance, he may approach the concerned forum for appropriate remedy.

The writ petition is accordingly, dismissed. No costs.

01-09-2004

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To

- 1 The Vice Chairman and Managing Director, Andhra Pradesh State Civil Supplies Corporation Limited, Hyderabad.
- 2 The District Manager, A.P. State Civil Supplies Corporation Limited, Anantapur.
- 3 The Joint Collector, Anantapur.
4. 2 CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT).
5. 2CD copies.